

AMENDED IN SENATE JUNE 24, 2003

AMENDED IN SENATE JUNE 11, 2003

AMENDED IN ASSEMBLY MAY 15, 2003

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1009

Introduced by Assembly Member Pavley
(Coauthor: Senator Kuehl)

February 20, 2003

An act to add and repeal Section 97.3 of the Streets and Highways Code, and to amend ~~Sections 627 and 22350~~ *Section 627* of, and to add and repeal Section 42010.3 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1009, as amended, Pavley. Vehicles: violations: engineering and traffic surveys.

(1) Existing law, until January 1, 2004, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as “Safety Enhancement-Double Fine Zones” and impose increased fines for traffic violations occurring within these zones.

This bill would require the department to develop a similar pilot project for a specified segment of the Pacific Coast Highway and, on

or before January 1, 2006, report to the Legislature on the results of the pilot project. The bill would make conforming changes in existing law.

(2) Existing law defines an engineering and traffic survey to be a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation, and lists factors that must be included in a survey.

This bill would ~~require~~ allow the department to, in addition to the existing factors, consider other specified factors, when conducting an engineering and traffic survey ~~for the segment of the Pacific Coast Highway within the city limits of the City of Malibu.~~

~~(3) Existing law prohibits a person from driving a vehicle upon a highway at a speed greater than is reasonable or prudent, having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, or at a speed that endangers the safety of persons or property.~~

~~This bill would require that, for purposes of this prohibition, a posted speed limit on the Pacific Coast Highway within the city limits of the City of Malibu that is justified by an engineering and traffic survey, as specified, is the highest speed that is “reasonable or prudent” for that portion of highway.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 97.3 is added to the Streets and
- 2 Highways Code, to read:
- 3 97.3. (a) The department, in consultation with the
- 4 Department of the California Highway Patrol shall develop a pilot
- 5 project on the Pacific Coast Highway between the intersection of
- 6 Topanga Canyon Boulevard and Decker Canyon Road. That
- 7 portion of the highway shall be designated and identified as a
- 8 “Safety Enhancement-Double Fine Zone.”
- 9 (b) (1) The department shall place and maintain warning signs
- 10 to notify motorists that, under Section 42010.3 of the Vehicle
- 11 Code, increased penalties apply for traffic violations that are
- 12 committed within the Safety Enhancement-Double Fine Zone.
- 13 The department shall identify the Safety Enhancement-Double
- 14 Fine Zone with signs stating: “Special Safety Zone Begins Here”
- 15 and “Special Safety Zone Ends Here.”

(2) The department shall report to the Legislature on or before January 1, 2006, on the results of the pilot project. In its report, the department shall provide a detailed analysis on the impact of the pilot project on highway safety, including, but not limited to, the number of accidents, traffic injuries, and fatalities in the project area; and, in consultation with the Department of the California Highway Patrol, recommend specific criteria for designation of a highway as a Safety Enhancement-Double Fine Zone. A determination that the project was successful shall be based upon a showing that a statistically significant decrease in the number of accidents, traffic injuries, and fatalities has occurred in the project area.

(c) The designation of the highway as a Safety Enhancement-Double Fine Zone does not increase the civil liability of the state under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.

(d) (1) Only the base fine shall be enhanced pursuant to this section.

(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and may not be based on the amount of the enhanced fine imposed pursuant to this section.

(e) The pilot project specified in subdivision (a) may not be elevated in priority for state funding purposes.

(f) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 2. Section 627 of the Vehicle Code is amended to read:

627. (a) "Engineering and traffic survey," as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.

(b) An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of all of the following:

(1) Prevailing speeds as determined by traffic engineering measurements.

(2) Accident records.

(3) Highway, traffic, and roadside conditions not readily apparent to the driver.

(c) When conducting an engineering and traffic survey, local authorities, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b) may consider all of the following:

(1) Residential density, if any of the following conditions exist on the particular portion of highway and the property contiguous thereto, other than a business district:

(A) Upon one side of the highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures.

(B) Upon both sides of the highway, collectively, within a distance of one-quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.

(C) The portion of highway is longer than one-quarter of a mile, but has the ratio of separate dwelling houses or business structures to the length of the highway described in either subparagraph (A) or (B).

(2) Pedestrian and bicyclist safety.

(d) When conducting an engineering and traffic survey ~~for the Pacific Coast Highway within the city limits of the City of Malibu in Los Angeles County, the Department of, the Department of~~ Transportation, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b), may consider all of the following:

(1) Pedestrian and bicyclist safety.

(2) Visual and nonmotorized distractions.

(3) The presence and use of residential access, parking lots, and on-street parking.

(4) Frequency of left-hand turns or u-turns.

~~SEC. 3. Section 22350 of the Vehicle Code is amended to read:~~

~~22350. (a) A person may not drive a vehicle upon a highway at a speed greater than is reasonable or prudent, having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, or at a speed that endangers the safety of persons or property.~~

~~(b) For the purposes of this section, a posted speed limit on the Pacific Coast Highway within the city limits of the City of Malibu~~

1 ~~that is justified by an engineering and traffic survey, as required~~
2 ~~under Section 22354 or 22356, is the highest speed that is~~
3 ~~“reasonable or prudent” for that portion of highway.~~

4 ~~SEC. 4.~~

5 *SEC. 3.* Section 42010.3 is added to the Vehicle Code, to read:

6 42010.3. (a) For an offense specified in subdivision (b) that
7 is committed by the driver of a vehicle within an area that has been
8 designated as a Safety Enhancement-Double Fine Zone pursuant
9 to subdivision (a) of Section 97.3 of the Streets and Highways
10 Code, the fine, in a misdemeanor case, shall be double the amount
11 otherwise prescribed, and, in an infraction case, the fine shall be
12 one category higher than the penalty otherwise prescribed by the
13 uniform traffic penalty schedule established pursuant to Section
14 40310.

15 (b) A violation of any of the following provisions is an offense
16 that is subject to subdivision (a):

17 (1) Chapter 3 (commencing with Section 21650) of Division
18 11, relating to driving, overtaking, and passing.

19 (2) Chapter 7 (commencing with Section 22348) of Division
20 11, relating to speed limits.

21 (3) Section 23103, relating to reckless driving.

22 (4) Section 23104, relating to reckless driving which results in
23 bodily injury to another.

24 (5) Section 23109, relating to speed contests.

25 (6) Section 23152, relating to driving under the influence of
26 alcohol or a controlled substance, or a violation of Section 23103,
27 as specified in Section 23103.5, relating to alcohol-related
28 reckless driving.

29 (7) Section 23153, relating to driving under the influence of
30 alcohol or a controlled substance, which results in bodily injury to
31 another.

32 (8) Section 23220, relating to drinking while driving.

33 (9) Section 23221, relating to drinking in a motor vehicle while
34 on the highway.

35 (10) Section 23222, relating to driving while possessing an
36 open alcoholic beverage container.

37 (11) Section 23223, relating to being in a vehicle on the
38 highway while possessing an open alcoholic beverage container.

1 (12) Section 23224, relating to being a driver or passenger
2 under the age of 21 possessing an open alcoholic beverage
3 container.

4 (13) Section 23225, relating to being the owner or driver of a
5 vehicle in which there is an open alcoholic beverage container.

6 (14) Section 23226, relating to being a passenger in a vehicle
7 in which there is an open alcoholic beverage container.

8 (c) This section applies only when traffic controls or warning
9 signs have been placed pursuant to Section 97.3 of the Streets and
10 Highways Code.

11 (d) (1) Notwithstanding any other provision of law, the
12 enhanced fine imposed pursuant to this section shall be based only
13 on the base fine imposed for the underlying offense and may not
14 include any other enhancements imposed pursuant to law.

15 (2) Notwithstanding any other provision of law, any additional
16 penalty, forfeiture, or assessment imposed by any other statute
17 shall be based on the amount of the base fine before enhancement
18 or doubling and may not be based on the amount of the enhanced
19 fine imposed pursuant to this section.

20 (e) This section shall remain in effect only until January 1,
21 2006, and as of that date is repealed, unless a later enacted statute,
22 that is enacted on or before January 1, 2006, deletes or extends that
23 date.

